



ARTESIAN Water Company ▲ Artesian Wastewater Management ▲ Artesian Utility Development ▲ Artesian Water Maryland

7000 DEC 18 PM 2:46

DELAWARE

100 YEARS OF SUPERIOR SERVICE

CK# 150054/62-9
12-18-08 \$ 300.00
RECEIVED
Karen
Norma
Kevin
Lefisha

December 19, 2008

LeFeisha Williamson
Public Service Commission
861 Silver Lake Blvd, Cannon Bldg.
Suite 100
Dover, DE 19904

Dear Ms. Williamson:

Enclosed are 4 complete copies and 7 applications excluding exhibits of a Water CPCN Application for Cool Spring Meadows which is located in Sussex County. The CPCN is currently held by Tidewater Utilities. Included in this application is a letter signed by Tidewater indicating that they are willing to relinquish the CPCN.

Please contact me at (302) 453-6912 if you have any questions regarding this Application.

Sincerely,

David B. Spacht
Chief Financial Officer & Treasurer

RECORDED

2008 DEC 18 PM 2:46

DELAWARE

**APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY REQUIRED TO BEGIN OR EXPAND THE BUSINESS
OF A PUBLIC WATER UTILITY**

BEFORE THE PUBLIC SERVICE COMMISSION

This form of application must be filed for each new or expanding water system pursuant to 26 Del. C. §203C.

WATER UTILITIES:

1. Basis for application:

☐ a. Water in the proposed service area does not meet the Regulations Governing Drinking Water Standards of the State Board of Health for human consumption (26 Del. C. § 203C(d)(2)(a)); or

☐ b. Water supply in the proposed service area is insufficient to meet the projected demand (26 Del. C. § 203C(d)(2)(b)); or

☐ c. The applicant is in possession of a signed service agreement with the developer of a proposed subdivision or development, which subdivision or development has been duly approved by the respective county government (26 Del. C. § 203C(e)(1)(a)); or

☒ d. The applicant is in possession of a petition signed by the parcel owners of the proposed territory to be served (26 Del. C. § 203C(e)(1)(b)); or
See Exhibit A

☐ e. The applicant is in possession of a duly certified copy of a resolution from the governing body of a county or municipality requesting the applicant to provide service to the proposed territory to be served (26 Del. C. § 203C(e)(1)(c)).

2. To obtain a Certificate of Public Convenience and Necessity ("CPCN") to provide adequate water service to customers and meet the Regulations Governing Drinking Water Standards of the State Board of Health for human consumption (26 Del. C. § 203C(a)).

3. Artesian Water Company, Inc. requests an informal fact finding procedure during review of the application.

4. (a) Full legal name and address of the Applicant:

ARTESIAN WATER COMPANY, INC.
664 CHURCHMANS ROAD NEWARK, DE 19702

- (b) Full name of the Utility's designated representative: **DAVID B. SPACHT**

- (c) Phone No.: **(302) 453-6912**

- (d) Fax No.: **(302) 453-6980**

5. Supporting documentation required by 26 Del. C. § 203E(1), including evidence that all landowners of the proposed territory have been notified of the application:

See Exhibit B

6. A complete list of county tax map parcel number(s) for the area covered by the Application:

See Exhibit A

7. A complete list of tax map numbers with corresponding names and addresses of property owners and a copy of the tax map(s) for the area:

See Exhibit C

8. The Applicant hereby certifies that the extension will satisfy the provisions of 26 Del. C. §403C, including:

(a) The Applicant is currently furnishing water to its present customers in Delaware in such fashion that water pressure at every house supplied is at least 25 pounds at all times at the service connection;

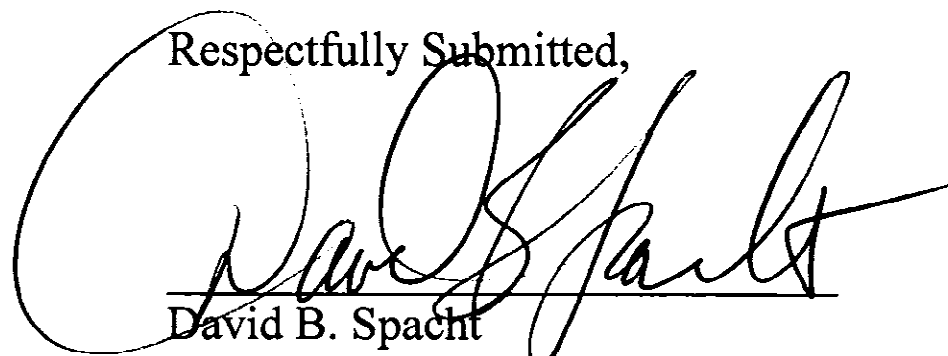
(b) The Applicant shall furnish water to the house or separate location of each new customer in Delaware at a pressure of at least 25 pounds at each location or house at all times at the connection while continuing also to supply each old customer at a pressure of at least 25 pounds at each house at all times at the service connection;

(c) The Applicant is currently not subject to a finding by the appropriate federal or state regulatory authority that we have materially failed to comply with applicable safe drinking water or water quality standards; and

(d) The Applicant is not subject to any Order issued by the Commission finding that Artesian Water Company, Inc. has materially failed to provide adequate or proper safe water services to existing customers.

9. As shown in Exhibit A, a majority of the parcel owners of the proposed territory to be served agree with the filing of a CPCN to permitting Applicant to provide them with public water.
- (a) A copy of the Application was sent to the State Fire Marshall, Department of Public Health and Department of Natural Resources on or about December 5..
- 1) The current status of such Application is: En route via mail
- (b) The Applicant provides the following additional information with this Application:
- 1) A corporate history including dates of incorporation, subsequent acquisitions and/or mergers are currently on file with the PSC;
- 2) A chart, which depicts the inter-company relationships is currently on file with the PSC;
- 3) A map identifying all areas, including all towns, cities, counties, and other government subdivisions to which service is already provided;
- 4) All copies of Applicant's annual reports to stockholders, and that of its subsidiaries, and parent for the last two years are currently on file with the PSC;
- 5) Applicant's audited financial statements, 10K's, and all proxy material for the last two years are currently on file with the PSC; and
- 6) Any additional information required by the PSC Staff will be made available on request.

Respectfully Submitted,



David B. Spacht
Artesian Water Company, Inc.
664 Churchmans Road
Newark, DE 19702
Telephone: (302) 453-6900
Facsimile: (302) 453-6957

Certification of Landowner Information Accuracy

I certify that I have examined and reviewed the tax records of Sussex County and that on October 29, 2008, the following listed persons are identified by those records as being the "landowners of record" (as defined by 26 Del. C. S203C(j)) of the following listed parcels:

See Attached Exhibit A



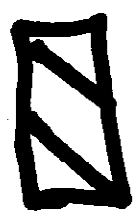
Alan L. Fleetwood
CPCN Coordinator

ARTESIAN WATER

Cool Spring Meadows Water



LEGEND



Cool Springs

Meadows

Blue - Artesian

Olive - Tidewater

Map printed on: Tue Nov 25 12:32:36 2008

0 1458.6ft

EXHIBIT A

Cool Spring Meadows Water

Exhibit A and C

Parcelid
234-5.00-30.00 and -33.00

Owner Name
Fusco Properties LP

Owner Last

Address
P O Box 665

City
New Castle

State
DE

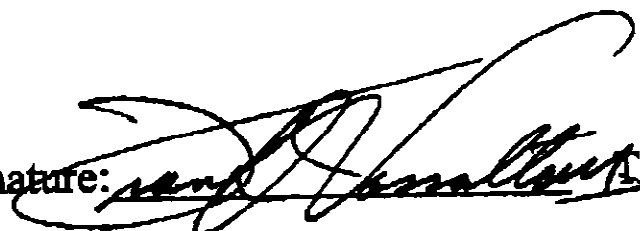
Zip
19720

Artesian Water Company, Inc. Water Service Petition

We the undersigned, request to be included in the water service territory of Artesian Water Company Inc. for the following property in Sussex County, Delaware.

Parcel Nos.: 234-5.00-30.00 and -33.00
Property Description: Cool Spring Meadows

Property Owner(s): Fusco Properties LP

Signature:  Title: President Date: Nov. 4th 2008

Signature: _____ Title: _____ Date: _____

****All legal owners must sign for the petition to be valid****

Return to
Artesian Water Company Inc.
664 Churchmans Road
Newark, DE 19702



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Artesian Water Company ▲ Artesian Wastewater Management ▲ Artesian Utility Development ▲ Artesian Water Maryland

October 17, 2008

Mr. Bruce Patrick
Vice President of Engineering
Tidewater Utilities, Inc
1100 South Little Creek Road
Dover, DE 19901

RE: CPCN Parcel Relinquishment Letter of Understanding

Dear Mr. Patrick:

In order to provide for more efficient and cost-effective provision of water and wastewater service, it is our understanding that Tidewater Utilities, Inc. (Tidewater) and Artesian Water Company, Inc. (Artesian) agree to exchange the Certificates of Public Convenience and Necessity (CPCNs) for the following parcels. However, the agreement to relinquish is subject to the ability of each party to obtain the requisite regulatory approvals to obtain the CPCNs that are being relinquished by the other party, as well as the approvals for exchange from the respective property owners.

Artesian will relinquish the water CPCN for:

134-21.00-5.00	Palisades Land LLC
134-21.00-6.00	Old Mill Bridge Farm Inc
134-21.00-8.00	Palisades Land LLC
134-21.00-9.00	Palisades Land LLC
134-21.00-12.00	Palisades Land LLC

Tidewater will relinquish the wastewater CPCNs for the following provided that Tidewater is compensated for its engineering and soils work performed on tax parcels 235-24.00-38.03 and 235-24.00-38.04 by the owner of the Carriage Spring Run LLC, prior to the relinquishment of the CPCNs. The approximate cost is \$110,000. In the event that Tidewater and the owner of Carriage Spring Run LLC cannot reach an agreement then Artesian will have the option of paying the engineering and soils cost.

235-24.00-38.03	Carriage Spring Run LLC
235-24.00-38.04	Richard M, Jr. and Jocelyn M Huff

CPCN Parcel Relinquishment Letter of Understanding

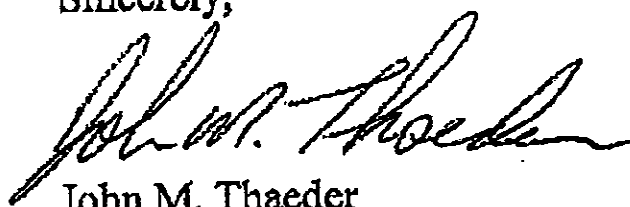
Tidewater will relinquish the water CPCN for:

234-5.00-30.00	Fusco Properties LP
234-5.00-33.00	Fusco Properties LP

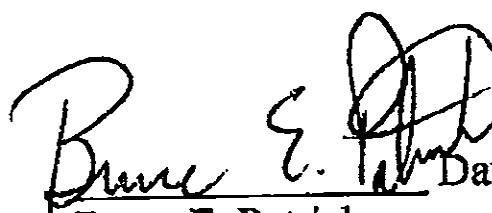
Tidewater and Artesian agree that the simultaneous application to the PSC for transfer of the CPCNs will occur at the time that the signatures can be obtained from the property owners.

If you are in agreement with the exchange as listed above, please indicate by signing below.

Sincerely,



John M. Thader
Senior Vice President, Operations
Artesian Water Company, Inc.

 Date 10/17/08

Bruce E. Patrick
Vice President of Engineering
Tidewater Utilities, Inc.

EXHIBIT B

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Fusco Properties LP
PO Box 665
New Castle DE 19720

2. Article Number

(Transfer from service label)

7006 0810 0002 3743 5127

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540x

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

FRANK J. VASSALLO

C. Date of Delivery

D. Is delivery address different from item

If YES, enter delivery address below:

☐ Yes

☒ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

Postnet Service
CERTIFIED MAIL RECEIPT

7006 0810 0002 3743 5127

NEW CASTLE DE 19720

Postage	\$ 4.72
Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$ 5.32

Sent To: Fusco Properties LP
Street Apt. No. or PO Box No.: PO Box 665
City, State, ZIP+4: New Castle DE 19720

Postmark Here: 2008



100 YEARS OF SUPERIOR SERVICE

Artesian Water Company ▲ Artesian Wastewater Management ▲ Artesian Utility Development ▲ Artesian Water Maryland

November 7, 2008

Fusco Properties, LP
P O Box 665
New Castle, DE 19720

Re: Tax Parcels 234-5.00-30.00 and 234-5.00-33.00

To Whom It May Concern:

We recently received a petition from you requesting that Artesian Wastewater Management, Inc. provide wastewater service to your property in Sussex County.

In order to provide your area with public wastewater service, Artesian must file for a Certificate of Public Convenience and Necessity (CPCN) with the Public Service Commission (PSC). Attached is information we are required to provide to all landowners within the proposed service territory prior to filing the CPCN Application.

The CPCN, when granted, will allow Artesian to be the public wastewater service provider for your area. You are not obligated to connect to the public wastewater system when it becomes available.

Under the law, the Public Service Commission is obligated to grant a CPCN to a utility to provide wastewater services if a majority of the landowners in a proposed service area have requested the utility's wastewater services. This means that even if you have not signed a request for the utility's wastewater services, your property may be included in the utility's service area if more than half of the landowners have made such requests. If you want your property included in the service territory, even though you did not sign a request for the utility's wastewater services, then you need not take any further action. However, If you do not want your property included in the utility's proposed service territory or if you oppose the utility providing services in the area, then you must do something under one or more of the attached options within 60 days.

Artesian provides excellent customer service. A recent survey of our current customers showed that 96% of our customers, if given the choice, would choose Artesian again.

If we can be of any further assistance to you, please feel free to contact me at 1-800-332-5114 or (302) 453-6983.

Sincerely,

Alan L. Fleetwood

Alan L. Fleetwood
CPCN Coordinator

LANDOWNER NOTIFICATION

In accordance with Delaware law and regulations of the Delaware Public Service Commission, the applicant, Artesian Wastewater Management, Inc., must show evidence that all landowners of the proposed territory have been notified by certified mail or its' equivalent of the filing of the Application.

- "(1) Pursuant to Title 26, §203D(d)(2) of the Delaware Code, an Application for a Certificate of Public Convenience and Necessity (CPCN) will be submitted to the Delaware Public Service Commission on or about December 9. Your property has been included within an area Artesian Wastewater Management, Inc. intends to serve with public wastewater and we are required to inform you of certain information. The area to be served is Cool Spring Meadows. ***If you agree to the inclusion of your property in the proposed service area, no action on your part is required. Inclusion of your property in a CPCN area does not obligate you to connect immediately to our system; however, should your existing system fail and public wastewater services are deemed to be legally and publicly available, you may then be required to connect.
- (2) Under Delaware law, the Public Service Commission cannot grant a CPCN to Artesian Wastewater Management, Inc., if a majority of the landowners in the proposed wastewater service area object to the issuance of the CPCN. If you object to the issuance of a CPCN for the proposed area that includes your property, you must notify the Commission, in writing, within sixty days of your receipt of this notice or within thirty days of the filing of the completed application for a CPCN, whichever is greater.
- (3) You may also request a public hearing on this matter. The purposed of the public hearing will be to demonstrate why it would not be in the public interest for the Commission to grant Artesian Wastewater Management, Inc., a CPCN to provide wastewater services to the proposed area. A request for a public hearing must be made in writing to the Commission within sixty days of your receipt of this notice or within thirty days of the filing of the completed Application for a CPCN, whichever is greater.
- (4) The written notice of your decision to object to the issuance of the CPCN, or your written request for a public hearing, should be sent to the Secretary of the Delaware Public Service Commission at the address listed below.
- (5) Any written notice you send to the Commission must include the description of the service area referred to in paragraph (1) above, your tax parcel identification number, and the name of the applicant so the Commission will be able to identify the CPCN Application to which your notice is related.
- (6) Questions regarding objections, opt-outs, and hearings may be directed to:

Secretary
Delaware Public Service Commission
861 Silver Lake Blvd.
Cannon Building, Suite 100
Dover, DE 19904

EXHIBIT C

Cool Spring Meadows Water

Exhibit A and C

Parcelid
234-5.00-30.00 and -33.00

Owner Name
Fusco Properties LP

Owner Last

Address
P O Box 665

City
New Castle

State
DE

Zip
19720

MAPS

SEE

ORIGINALS

IN DOCKET